

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, John C. Ennis, having been duly sworn, do hereby depose and state as follows:

I. INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for over 15 years. I am currently assigned to the Boston Division of the FBI and have been since March 1996. Prior to my employment with the FBI, I was a New Hampshire State Trooper for over five years.

2. I am currently assigned to the FBI's Violent Crimes Task Force. Among my responsibilities is the investigation of armed and unarmed bank robberies. I know it is a violation of Section 2113(a) of Title 18 of the United States Code for anyone to use force and violence, or intimidation, to take from the person or presence of another money belonging to, or in the care, custody, control, management, or possession of, any federally insured bank.

3. The information set forth in this affidavit is based on my involvement in this investigation, my review of police reports and my discussions with other law enforcement officers involved the investigation. In submitting this affidavit I did not include each and every fact known to me concerning this investigation, but only facts that I believe are sufficient to establish probable cause in support of a criminal complaint and the issuance of an arrest warrant charging **Bryan Fitzpatrick** with violating Section 2113(a) of Title 18 of the United States Code.

4. Through investigation, I know that the deposits of the Sovereign Bank, located at 20 Beale Street in Quincy, Massachusetts, are insured by the Federal Deposit Insurance Corporation and were so insured on June 29, 2009.

II. BACKGROUND

5. On June 29, 2010, at approximately 4:57 PM, a white male entered Sovereign Bank, located at 20 Beale Street in Quincy, Massachusetts (the "Bank"). The man handed a bank teller a note that read, "No Dye Packs This is a Robbery". The teller then handed the man \$1020.00 in cash that was sitting on top of her cash drawer.¹ The man took the money and appeared to count it. He put the money in his pocket and then left the bank, taking the note he had given the teller with him.

¹ The cash consisted of four (4) \$100 bills, eight (8) \$50 bills, and eleven (11) \$20 bills.

6. After the teller informed her superiors, the Bank activated the holdup alarm and Quincy Police officers responded. The FBI was advised of the robbery and I also responded. The teller provided the officers with the following description: a white male in his 30s, approximately 5'8" to 6'0" tall, having blonde hair, and wearing a white shirt and baseball hat with green trim. Officers failed to find anyone in the immediate area who matched that description.

7. Quincy police officers retrieved copies of photographs of the incident captured by the Bank's surveillance system. The photographs were then submitted to "Mass Most Wanted" for posting on the website located at www.massmostwanted.org. Subsequently, the photographs were posted on the Patriot Ledger's website, a newspaper that serves the Quincy, Massachusetts area.

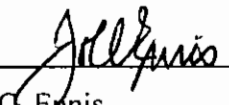
8. The following day, June 30, 2010, Matt O'Toole, a probation officer for Norfolk County, contacted the Quincy Police Department and said that he believed the individual in the posted photographs to be **Bryan Fitzpatrick**, whose probation for an unarmed robbery conviction O'Toole had been supervising. O'Toole said that he was "over 80%" sure that the individual in the photographs was **Fitzpatrick**, whom O'Toole had last seen as recently as two weeks earlier. In fact, O'Toole believed **Fitzpatrick** was wearing the same baseball hat when he met with him at that time.

9. Quincy Police detectives then compared the surveillance photos with prior booking photos of **Fitzpatrick** and concluded that they depicted the same person. The detectives eventually located **Fitzpatrick** walking toward the North Quincy T-Stop and arrested him. At the time of arrest, **Fitzpatrick** was carrying a \$50 bill in his hand.

10. After booking, **Fitzpatrick** agreed to waive his rights and signed a *Miranda* waiver presented to him by the Quincy Police detectives. Quincy Police detectives then conducted a recorded interview in which **Fitzpatrick** admitted that he committed the robbery. Among other things, **Fitzpatrick** confirmed that he handed the teller a note that read "no dye packs this is a robbery." He said that the teller handed him the money and that he counted it before fleeing the bank. **Fitzpatrick** also said that he threw away the note and his clothes after he left the bank. **Fitzpatrick** further admitted that the \$50 bill he had was one of the bills he took from the Bank, and that the other bills that he had in his possession when he was arrested were remnants and change from the stolen cash.

III. CONCLUSION

11. Based on the foregoing, I have probable cause to believe that **Bryan Fitzpatrick** used force and violence, or intimidation, to take from the person or presence of another money belonging to, or in the care, custody, control, management, or possession of Sovereign Bank, a federally insured financial institution, in violation of Section 2113(a) of Title 18 of the United States Code.



John C. Ennis
Special Agent
Federal Bureau of Investigation

Date:

Subscribed and sworn to before me this 29th day of December 2010.



LEO T. SOROKIN
United States Magistrate Judge